

November 2, 2001

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L00P0020**

WOODLARK GREEN DIVISION I
Preliminary Plat Application

Location: Lying on the west side of 130th Avenue Northeast and the north side of
Northeast 203rd Court

Applicant: Richard Van Der Peyl
Goldstar Properties, Inc. *represented by*
Luay R. Joudeh, P. E.
D. R. Strong Consulting Engineers
10604 Northeast 38th Pl. Suite 101
Kirkland, WA 98034
Telephone: (425) 827-3063
Facsimile: (425) 827-2423

King County: Department of Development and Environmental Services,
Land Use Division, *represented by*
Lanny Henoeh
900 Oakesdale Avenue SW
Renton, WA 98055-1219
Telephone: (206) 296-7168
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions
Complete application:	October 31, 2000

EXAMINER PROCEEDINGS:

Hearing Opened: October 30, 2001
Hearing Closed: October 30, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Road improvements
- Pedestrian safety
- Site access
- Lot access tract

SUMMARY:

The preliminary plat application is **APPROVED**, subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information:**

Owner/Developer:	Richard Van Der Peyl Goldstar Properties, Inc. 833 NE 120 th Place Kirkland, WA 98034 Phone: (425) 820-6006
Engineer:	D. R. Strong Consulting Engineers, Inc. 10604 NE 38 th Place, Suite 101 Kirkland, WA 98033 Phone: (425) 827-3063
STR:	NE ¼ of the NE ¼ of Section 4, Township 26, Range 5
Location:	Lying on the west side of 130 th Ave. NE and the north side of NE 203 rd Court
Zoning:	R-8-SO

Acreage:	3.8
Number of Lots:	28
Density:	7.37 dwelling units per acre
Lot Size:	Ranges from 3,692 to 4,866 square feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	Woodinville Water District
Water Supply:	Woodinville Water District
Fire District:	No. 36
School District:	Northshore School District No. 417
Complete Application(Vesting)	
Date:	October 31, 2000

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the October 30, 2001 public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Goldstar Properties, Inc., has filed a preliminary plat application to subdivide 3.8 acres into 28 lots for single family residential development. The site is located within an approximately 30 acre strip of unincorporated area bounded on the west and south by the City of Bothell, on the east by the City of Woodinville, and on the north by the Snohomish County line. Nearby properties within Woodinville and Bothell are largely developed at urban densities, while a few rural residential properties remain south of the site within the unincorporated area.
4. Site access is east to 130th Avenue Northeast, a collector arterial that lies within Woodinville. Access was originally proposed to be from Northeast 203rd Court at the southern boundary of the plat; in response to neighborhood opposition it has been relocated to the center of the plat at Northeast 204th Street. Stub roads will be provided to the plat's northern boundary to facilitate circulation into a proposed Woodlark Green Division II currently under review. With the construction of the site access at Northeast 204th Street/130th Avenue Northeast, Northeast 203rd Court east of 129th Place Northeast will be closed to vehicular access. Because utility lines currently exist within the Northeast 203rd Court right-of-way, some form of limited utility access may continue to be required within the portion of right-of-way being closed off.
5. Both Woodinville and Bothell have expressed interest in regulating the road improvements that will be required of Woodlark Green Division I. Though the plat lies within Bothell's potential annexation area, Woodinville appears to have the greater leverage due to its ability to control access to 130th Avenue Northeast. Accordingly, 130th Avenue Northeast frontage improvements on site will be constructed to Woodinville standards, and the City has indicated that it will also require a left turn lane along 130th Avenue Northeast at the Northeast 204th Street plat access road.

6. School children from the Woodlark Green Division I project will walk to both Woodinville High School and Woodin Elementary School. The pedestrian route for these school children requires them to walk south on 130th Avenue Northeast. Site investigations indicate that major segments of the west side of 130th Avenue Northeast lack adequate shoulder width to provide a safe walking route. Conversely, the pedestrian facilities on the east side of 130th Avenue Northeast are uniformly satisfactory. DDES has proposed that the Applicant construct a crosswalk across 130th Avenue Northeast so that school children may access the safer east side walking facilities. This crosswalk will likely be sited at the Northeast 202nd intersection, although a crossing further north along the plat's frontage remains a possibility. In either instance, it seems likely that street lighting constructed for the new left turn lane also will be adequate to illuminate the crosswalk, but the plat conditions have been modified to provide an illumination requirement if the left turn lighting proves insufficient.
7. The Applicant will be required to revise the preliminary plat map to modify Tract B currently proposed to provide access to lots 12 through 15. As presently configured, this access tract does not meet intersection spacing requirements and exceeds the allowable maximum length. Revision of Tract B may also permit the elimination of sprinklering on lots 12 through 15.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Woodlark Green Division I, as revised and received on October 1, 2001, is APPROVED, subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.

3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall also meet the minimum dimensional requirements of the R-8 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services. The modification to the plat design required by Condition 8b below is a minor change and is permitted.
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads within unincorporated King County shall be done in accordance with the King County Road Standards, established and adopted by Ordinance No. 11187.
6. The applicant must obtain the approval of the King County Fire Protection Engineer to demonstrate compliance with the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code. A note shall be placed on the final plat indicating that a fire protection sprinkler system, consistent with the King County Fire Code, must be installed in any residences constructed on Lots 12 – 15, unless waived by the King County Fire Marshal.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. Core Requirement No. 3 – Runoff Control: Storm water runoff control shall be provided using the Level One detention design criteria outlined in the 1998 KCSWDM. The size of the proposed drainage tract may have to increase to accommodate the required

detention storage volumes and water quality facilities. The stormwater facilities shall be

placed in a separate tract dedicated to King County, unless portions of the tract are used for required recreation space in accordance with KCC 21A.14.180, or located within King County right-of-way.

As specified in Section 5.1.1 of the 1998 Surface Water Design Manual, roof drain stormwater shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

- e. Core Requirement No. 8 – Water Quality: The Basic water quality design criteria in the 1998 KCSWDM is required for this site.
8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) and the following requirements:
- a. NE 204th St. shall be improved as an urban subcollector. All other internal access roads in the plat, except Tract B, shall be improved to the urban subaccess street standard.
 - b. Tract B is proposed as a private access tract serving Lots 12 – 15. These lots shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall appear on the final plat and engineering plans.

Tract B shall be improved consistent with KCRS 2.03 regarding urban minor access roads, and shall include 22 feet of paving. The minimum tract width shall be 26 feet, with a maximum length of 150 feet. The plat design shall be modified so that Tract B meets the 100 foot intersection spacing requirement of KCRS 2.10B.
 - c. The right-of-way for 130th Ave. NE lies within the City of Woodinville. The frontage of the site on 130th Ave. shall be improved consistent with Woodinville standards. These improvements shall include a bike lane, street trees, and street lighting at the project entrance, unless such improvements are not permitted by Woodinville. If determined necessary by Woodinville, additional right-of-way may be required to be dedicated to the City along the frontage of the site, to accommodate required improvements. The engineering plans for all required improvements to 130th Ave. shall be approved by the City of Woodinville, prior to approval of the engineering plans for the subject plat by King County.
 - d. One-Hundred-Thirtieth Avenue Northeast is designated as a collector arterial by King County, and may require designs for bus zones and turn outs. As specified in KCRS 2.16, the applicant shall contact King County Metro and the Northshore School District to determine specific requirements. If improvements are called for by Metro or the school district, they shall be installed unless prohibited by the City of Woodinville.
 - e. A temporary turnaround bulb shall be provided at the north terminus of NE 204th St., consistent with KCRS 2.08D.

- f. The existing connection of NE 203rd Court to 130th Ave. NE shall be eliminated, as shown on the preliminary plat map. The existing road improvements shall be removed by the Applicant to accomplish this realignment. The Applicant may be required to either retain or reconstruct a pedestrian connection between NE 203rd Court and 130th Ave. NE, at the discretion of the Road Services Division, King County Department of Transportation.

Access facilities (preferably gravel surfacing) may be provided to utilities in the NE 203rd Court right-of-way, but in no event shall a road connection be made to 130th Ave NE. Barricades may be required, at the discretion of Land Uses Services Division, Engineer Review Section.
 - g. Modification to the above road conditions may be considered by King County, pursuant to the variance procedures in KCRS 1.08.
 - h. A crosswalk and appropriate signage shall be provided across 130th Ave. NE in the vicinity of NE 202nd Pl. to allow for the crossing of school children walking to and from school. An 8-foot-wide asphalt shoulder shall also be provided on the west side of 130th Ave., between the terminus of the site's frontage improvements and the crosswalk. As an alternative, the location of the crosswalk may be moved north to the frontage of the site and the aforementioned shoulder improvements waived, if determined appropriate by the City of Woodinville and the Northshore School District. In either instance, street lighting adequate to illuminate the crosswalk shall be installed if not otherwise provided in conjunction with construction of the left turn lane on 130th Ave. NE at the site access road. (Note that if the City prohibits these improvements, they shall not be constructed by the applicant as a condition of recording of the subject plat.)
- 9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council or the City of Woodinville, prior to final plat recording.
 - 10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
 - 11. Lots within this subdivision are subject to KCC 21A.43 and Ordinance 14009 which impose impact fees to fund school system improvements needed to serve new development. As a condition of final approval, 50% of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

12. Suitable on-site recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by LUSD, with the submittal of the engineering plans. The conceptual recreation plan shall include location, area calculations, dimensions, and general improvements. It shall also include the provision of fencing on the east boundary of the recreation tracts along 130th Ave. NE, to keep children and balls used in play from readily entering the arterial . The approved engineering plans shall be consistent with the conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specifications, equipment specifications, etc.) consistent with the overall conceptual plan noted in Item "a" above, shall be submitted for review and approval by LUSD and King County Parks, prior to or concurrently with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements to assure their installation, and the survival of required plantings for a three year period, shall be posted prior to recording of the plat.
13. A homeowners' association or other workable organization shall be established to the satisfaction of LUSD which provides for the ownership and continued maintenance of the recreation areas.
14. Street trees shall be included in the design of all road improvements (except along 130th Ave. NE if prohibited by the City of Woodinville), and shall comply with Section 5.03 of the KCRS.
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless the King County Department of Transportation (or the City of Woodinville for 130th Ave. NE) determine that trees should not be located in the street right-of-way.
 - c. If the King County Department of Transportation or the City determine that the required street trees should not be located within the right-of-way (per Condition 14b above), they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners' association or other workable organization, unless the County (or the City for 130th Ave.) has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by LUSD (and the City for 130th Ave.) if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.

- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by LUSD prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if 130th Ave. is on a bus route. If 130th Ave. is a bus route, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after LUSD has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

15. To implement KCC 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of KCC 21A.38.230, as well as the conceptual tree retention plan which is part of the hearing record for this project. (Modifications to the retention plan concept may be approved by LUSD.) No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with KCC 21A.38.230B4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to KCC 21A.38.230B4d(2).

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 21A.38.230B6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

16. KCC 16.82.150D applies to the subject property. Therefore, construction work involving soil disturbance, grading, and filling of the site, including individual residential building pad preparation, shall be prohibited between October 1 through March 31, unless King County DDES specifically approves an extension consistent with the provisions of KCC 16.82.150D. A note stating these requirements shall be clearly shown on the final plat and engineering plans.

ORDERED this 2nd day of November, 2001.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 2nd day of November, 2001, to the parties and interested persons of record:

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NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before November 16, 2001***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before November 23, 2001***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE OCTOBER 30, 2001 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L00P0020

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Lanny Henoch and Mark Bergam. Participating in the hearing and representing the Applicant were Luay Joudeh and Richard Van Der Peyl. Samuel O. Smith also participated in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 LUSD file no. L00P0020
- Exhibit No. 2 LUSD staff report, prepared for the October 30, 2001 public hearing
- Exhibit No. 3 Environmental checklist, received September 11, 2000.
- Exhibit No. 4 SEPA determination, issued September 18, 2001
- Exhibit No. 5 Affidavit of Posting, indicating that two signs were posted on the subject property giving notice of the filing of the proposed plat application.
- Exhibit No. 6 Revised plat map (three sheets), received October 1, 2001
- Exhibit No. 7 Land use map – Kroll Map 404E
- Exhibit No. 8 Assessor maps for:
 - a. Northeast quarter of Section 4, Township 26, Range 5
 - b. East half of Section 33, Township 27, Range 5

- Exhibit No. 9 Goldstar 130th Subdivision Traffic Impact Analysis, prepared by Transportation Planning & Engineering, Inc., dated June 13, 2001
- Exhibit No. 10 April 7, 1999 letter from Dale E. Snyder, Certified Professional Soil Scientist, regarding a wetland reconnaissance of the site (includes one page letter and attached map).
- Exhibit No. 11 Level One Downstream Analysis (revised), prepared by D. R. Strong Consulting Engineers, Inc., received April 6, 2001
- Exhibit No. 12 Significant Tree Retention Plan (one sheet), prepared by D. R. Strong Consulting Engineers, Inc., received August 27, 2001
- Exhibit No. 13 February 22, 2001 letter from Samuel O. Smith, with five attachments
- Exhibit No. 14 July 18, 2001 letter from Samuel O. Smith, with attached petition signed by neighboring property owners.
- Exhibit No. 15 New staff condition 8f
- Exhibit No. 16 Revision to new condition 8f

SLS:slb
Plats/L00P0020 RPT